

ESTTA Tracking number: **ESTTA401015**

Filing date: **03/31/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050920
Party	Defendant Soni, Milena
Correspondence Address	SURJIT P SONI THE SONI LAW FIRM 35 N LAKE AVENUE , SUITE 720 PASADENA, CA 91101 UNITED STATES surj@sonilaw.com, woosoon@sonilaw.com, ron@sonilaw.com
Submission	Defendant's Notice of Reliance
Filer's Name	Ronald E. Perez/
Filer's e-mail	ron@sonilaw.com, woosoon@sonilaw.com, surj@sonilaw.com, lauren@sonilaw.com
Signature	/Ronald E. Perez/
Date	03/31/2011
Attachments	Respondents 2nd notice of reliance.Final.pdf (34 pages)(1869263 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Registration No.3,009,990

Trademark: ENTELLECT
Registered: November 1, 2005

INTELLECT TECHNICAL)	
SOLUTIONS, INC.)	
)	
Petitioner,)	CANCELLATION NO.: 92050920
v.)	
)	
MILENA SONI)	
)	
Respondent.)	
_____)	


RESPONDENT'S SECOND NOTICE OF RELIANCE

RESPONDENT, Milena Soni, ("SONI") hereby submits this Notice of Reliance in accordance with 37 C.F.R. § 2.120, *et seq.* and 37 C.F.R. § 2.122, *et seq.* The following, the copy of which is attached hereto, is designated and made part of the record of the instant proceeding.

1. SONI Exhibit No. 8: RESPONDENT's First Set of Interrogatories to PETITIONER, and PETITIONER's response thereto, pursuant to 37 C.F.R. § 2.120(j).

Respectfully submitted,

Dated: March 31, 2011

By: 
Ronald E. Perez
Woo Soon Choe
Attorneys for RESPONDENT,
Milena Soni

INTELLECT TECHNICAL SOLUTIONS, INC.

v.

MILENA SONI

CANCELLATION NO. 92050920

SONI Exhibit No. 8

1 PLEASE READ THE FOLLOWING DEFINITIONS AND INSTRUCTIONS
2 CAREFULLY; THEY APPLY TO ALL REQUESTS IN THIS CASE
3

4 DEFINITIONS

5 A. As referred to herein, the terms "PETITIONER," "YOU",
6 "YOUR", and "YOURS" mean not only Petitioner Intellect Technical
7 Solutions, Inc. but also any predecessors in title or interest to,
8 and any persons who are, or were at any time to which the claims
9 involved in this case relate, in control or otherwise associated
10 with any of the foregoing, as well as any divisions or subsidiaries,
11 and attorneys, agents, employees, salesmen or representatives of any
12 of the foregoing, whether independent contractors, agents, or
13 otherwise, including all persons purporting to act on behalf of
14 Intellect Technical Solutions, Inc. "YOU" also includes any and all
15 businesses, entities, partnerships, organizations or associations in
16 which any of the foregoing have control.

17 B. "AND," as well as "OR," shall be construed either
18 disjunctively or conjunctively; the term "INCLUDING" means
19 "including but not limited to"; the word "ALL" means "any and all;
20 the past tense shall include the present tense; the single shall be
21 deemed to include the plural and vice versa, all as is necessary to
22 bring within the scope of these requests all matters which might
23 otherwise be construed to be outside their scope.

24 C. "COMMUNICATION" means the act or fact of communicating
25 between or among any persons, including in-person conversations,
26 telephone conversations, letters, memoranda, notes, summaries,
27 photographs, audiotapes, videotapes, or other materials or memorials
28 of communication, meetings or occasions of joint or mutual presence,

1 as well as transfer of any document or writing from one person to
2 another.

3 D. "FACTS" means all circumstances, events and evidence
4 pertaining to or concerning the item in question.

5 E. "SUPPORTING" means tending to prove, establish or
6 corroborate.

7 F. The terms "IDENTIFY" or "IDENTIFICATION," unless otherwise
8 expressly indicated, shall, with respect to individual persons,
9 require full name, present or last-known business and residence
10 address (or last-known residence and principal place of business),
11 telephone number and present or last-known title or position,
12 business name and shall, in the case of documents, mean to provide a
13 description of each document sufficient to support a request for
14 production and include at least the following:

- 15 1. the date of the document, or, if it does not have a
16 date, the date of its preparation;
- 17 2. the name, residence and business address, telephone
18 number, and business position or title of the person
19 who authorized or prepared the document, and the
20 person who signed it or under whose name the document
21 was issued;
- 22 3. the name, residence, telephone number, business
23 address and business position of (a) each person to
24 whom the document was addressed, (b) each person to
25 whom the document was distributed, and © each person
26 who presently is in possession, custody or control of
27 the document; and
28

1 4. a summary of the subject matter of such document with
2 sufficient particularity to reveal and make
3 understandable the subject matter and substance
4 thereof.

5 G. The terms "ADVERTISING OUTLET" mean a means of conveying
6 information about a product or service in a written, pictorial,
7 sculptural, electronic or other form, including but not limited to a
8 trade show, written publication (e.g., newspaper, magazine ad,
9 catalog, flyer, etc.), promotional display (e.g., point-of-sale
10 display, billboard, etc.), electronic media outlet (e.g.,
11 television, radio, internet pop-up adds, etc.), or internet website.

12 H. The terms "IDENTIFY" or "IDENTIFICATION" mean, in the case
13 of an ADVERTISING OUTLET, to provide a description of each item
14 sufficient to support a request for production regarding any
15 documents related to that item and to also provide at least the
16 following:

- 17 1. the name of the item;
- 18 2. each of the dates the item was made available to the
19 public if such availability involved discrete
20 occurrences, and the full range of dates the item was
21 made available to the public if such availability was
22 for continuous time period(s); and
- 23 3. a summary of the subject matter of such item with
24 sufficient particularity to reveal and make
25 understandable the subject matter and substance
26 thereof.

27 I. The term "RESPONDENT" shall refer to Registrant Milena
28 Soni, her predecessors in interest, subsidiaries, affiliates,

1 divisions, joint venturers, present AND former officers AND
2 directors, employees AND agents, AND all other persons acting on her
3 OR their behalf OR at her OR their direction OR control, including
4 her OR their representatives and attorneys.

5 J. The term "REGISTRANT'S MARK" means the term (for example,
6 but not limited to, mark, service mark, trademark, trade mark OR
7 trade name) that is the subject of REGISTRANT's USPTO Registration
8 No. 3,009,990 for the ENTELLECT mark, issuing from the USPTO
9 trademark application having Serial No. 76/539,434.

10 K. The term "REGISTRANT'S REGISTRATION" means the issued
11 USPTO trademark application designated with Registration No.
12 3,009,990.

13 L. The term "YOUR APPLICATIONS" means the USPTO trademark
14 applications having Serial Nos. 77/363,060 AND 77/957,757.

15 M. The term "YOUR PARENT APPLICATION" means the USPTO
16 trademark application having Serial No. 77/363,060.

17 N. The term "YOUR CHILD APPLICATION" means the USPTO
18 trademark application having Serial No. 77/957,757.

19 O. The terms "YOUR MARK" means the term (for example, but not
20 limited to, mark, service mark, trademark, trade mark OR trade name)
21 that is the subject of USPTO trademark applications having Serial
22 Nos. 77/363,060 AND 77/957,757.

23 P. The term "DATE(S) OF FIRST USE" refers to the earliest
24 date of use of a trademark or service mark by the first sale of a
25 product or service in conjunction with the mark, as well as any
26 other date on which such use of such a mark was recommenced after
27 use of the mark was discontinued for more than one month.

28

1 Q. The term "INSTANCES OF ACTUAL CONFUSION" means any
2 event(s) in which a consumer or potential consumer ("customer") of a
3 product or service of a party to this proceeding behaved in a manner
4 that suggested the customer believed a product or service came from
5 one of the parties to this proceeding, when in fact the product or
6 service came from the other party to this proceeding.

7 R. The term "MARKETING CHANNELS" means the means in the
8 marketplace by which YOU sell AND distribute YOUR products AND
9 services using a trademark or service mark, including, but not
10 limited to, internet websites, particular retail stores, wholesale
11 distributors, mail AND delivery service.

12 S. The term "USPTO" means the United States Patent and
13 Trademark Office.

14

15

INSTRUCTIONS

16 1. In answering these interrogatories, YOU are required to
17 furnish ALL information in the possession of any agent, employee,
18 representative (including, without limitation, attorneys AND
19 accountants), OR any other person acting OR purporting to act for OR
20 on behalf of PETITIONER OR in concert with PETITIONER.

21 2. An interrogatory calling for the identification of a
22 person is a request that YOU IDENTIFY such person (whether a natural
23 person, corporation OR other entity) by name; current business AND
24 residence addresses; AND current business AND residence telephone
25 numbers.

26 3. An interrogatory calling for the identification of an oral
27 communication is a request that YOU IDENTIFY ALL parties to such
28 oral communication; IDENTIFY ALL persons present at the time such

1 oral communication took place; state the date of such oral
2 communication; state the place of such oral communication; state the
3 substance of such oral communication; AND state whether YOU have
4 knowledge of any document, record or recording of such oral
5 communication; if so, IDENTIFY any such document, record or
6 recording.

7 4. An interrogatory calling for the "basis" of any statement,
8 allegation, OR answer is a request that YOU state and IDENTIFY
9 completely all sources upon which such statement, allegation OR
10 answer is predicated; and state AND IDENTIFY completely every act,
11 omission, conduct, event, transaction, document, meeting OR occasion
12 about which you have knowledge OR information, which forms the
13 predicate for any such statement, allegation OR answer.

14 5. If your "basis" (as defined in No. 4) in answering any
15 interrogatory consists in whole OR in part of any document, oral
16 communication, inference or chain of reasoning, OR references any
17 person, IDENTIFY and describe such document, oral communication,
18 inference, chain of reasoning OR person.

19 6. Pursuant to Fed. R. Civ. P., Rule 26(e), these
20 interrogatories shall be deemed to be continuing so as to require
21 further AND supplemental responses in the event additional
22 information is obtained OR discovered between the time of the
23 initial responses AND the time of a motion, hearing, testimony
24 period, trial OR other event in this proceeding.

25 7. If objection is made to any part of a particular
26 interrogatory, that part should be specified (together with the
27 particular grounds for the objection), AND any other portion of the
28 interrogatory to which no objection is made should be answered.

1
2 8. If any interrogatory set forth herein is objected to on
3 the grounds of privilege, specify the specific privilege upon which
4 such objection is based, provide sufficient information to permit an
5 evaluation of the propriety of the claim of privilege, AND further
6 provide ALL information responsive to the interrogatory which does
7 not fall within the claim of privilege.
8

9 **INTERROGATORIES**

10 **INTERROGATORY NO. 1:**

11 State the nature of the business conducted by YOU AND of ALL
12 companies related to YOU, including a brief business history of YOU
13 AND of ALL companies related to YOU.
14

15 **INTERROGATORY NO. 2:**

16 Describe how YOU created, conceived, selected, cleared,
17 adopted, acquired OR otherwise made the decision to use YOUR MARK,
18 including IDENTIFICATION of ALL persons with knowledge thereof AND
19 IDENTIFICATION of ALL documents related thereto.
20

21 **INTERROGATORY NO. 3:**

22 IDENTIFY AND describe any searches, surveys, investigations,
23 analyses, research (including market research) OR studies by OR on
24 behalf of YOU relating to any trademark, service mark, trade name,
25 name, word, phrase, logo OR design that includes the term
26 "INTELLECT", including IDENTIFICATION of ALL persons with knowledge
27 thereof AND IDENTIFICATION of ALL documents relating thereto.
28

1 **INTERROGATORY NO. 4:**

2 IDENTIFY any variation of YOUR MARK ever used by YOU AND any
3 authorized user in the U.S. OR anywhere.

4
5 **INTERROGATORY NO. 5:**

6 IDENTIFY each AND every person OR entity that YOU have licensed
7 OR authorized to use YOUR MARK.

8
9 **INTERROGATORY NO. 6:**

10 IDENTIFY AND describe in detail ALL services listed in
11 International Class 035 in conjunction with which YOUR MARK OR any
12 variation thereof has been used, is currently being used, is
13 contemplated to be used OR has been used by YOU OR authorized users
14 of YOUR MARK, including IDENTIFICATION of ALL media (including
15 Internet websites) in which YOUR MARK is OR has been used.

16
17 **INTERROGATORY NO. 7:**

18 For each type of services identified AND described in
19 INTERROGATORY NO. 6, IDENTIFY AND describe YOUR first use of YOUR
20 MARK anywhere, YOUR first use of YOUR MARK in interstate commerce in
21 the United States (including the respective DATES OF FIRST USE),
22 including IDENTIFICATION of ALL DOCUMENTS SUPPORTING the use of YOUR
23 MARK in commerce between YOUR alleged DATES OF FIRST USE and May 1,
24 2002.

25
26 **INTERROGATORY NO. 8:**

27 IDENTIFY ALL persons who are reasonably believed to have
28 knowledge of YOUR first use of YOUR MARK, including IDENTIFICATION

1 of ALL documents relating thereto.

2

3 **INTERROGATORY NO. 9:**

4 IDENTIFY each person with whom YOU have communicated regarding
5 YOUR first use of YOUR MARK; including IDENTIFICATION of the date of
6 each such communication, the person on YOUR behalf who initiated OR
7 received such communication; including IDENTIFICATION of ALL
8 documents evidencing each such communication.

9

10 **INTERROGATORY NO. 10:**

11 Describe in detail the manner in which the services described
12 in INTERROGATORY NO. 6 are promoted AND advertised in the United
13 States, including, but not limited to, trade publications,
14 newspapers, live presentations, catalogs AND electronic media.

15

16 **INTERROGATORY NO. 11:**

17 State YOUR annual OR monthly (if annual OR monthly sales are
18 not available, provide quarterly OR other periodic basis)
19 expenditures, in U.S. dollars, for each of the ADVERTISING OUTLETS
20 for advertising or promoting the services described in INTERROGATORY
21 NO. 6, beginning with the earliest of the DATE(S) OF FIRST USE of
22 YOUR MARK.

23

24 **INTERROGATORY NO. 12:**

25 IDENTIFY AND describe in detail YOUR MARKETING CHANNELS for the
26 services described in INTERROGATORY NO. 6.

27 ///

28 ///

1 **INTERROGATORY NO. 13:**

2 For each type of the service described in INTERROGATORY NO. 6,
3 IDENTIFY each geographic area by region OR state in which YOU have
4 provided OR advertised such service in connection with YOUR MARK.

5
6 **INTERROGATORY NO. 14:**

7 IDENTIFY ALL persons who have purchased the services described
8 in INTERROGATORY NO. 6, beginning with the earliest of the DATE(S)
9 OF FIRST USE of YOUR MARK.

10
11 **INTERROGATORY NO. 15:**

12 For each type of service described in INTERROGATORY NO. 6,
13 state the gross revenues in U.S. dollars YOU received from providing
14 such service on an annual basis from the year each such service was
15 first offered under YOUR MARK to the present.

16
17 **INTERROGATORY NO. 16:**

18 For the services described in INTERROGATORY NO. 6, describe any
19 period of time since inception of YOUR MARK when YOU discontinued
20 use of YOUR MARK in connection with such services, including any
21 FACTS SUPPORTING the circumstances AND reasons for each
22 discontinuation, including IDENTIFICATION of the date and location
23 of any resumption of use, including IDENTIFICATION of any FACTS
24 SUPPORTING the circumstances AND reasons for each resumption of use.

25
26 **INTERROGATORY NO. 17:**

27 IDENTIFY ALL service mark AND trademark (trade mark)
28 applications, whether with the USPTO OR with any U.S. state OR

1 foreign country trademark (trade mark) agency, that you have filed
2 OR a third party has filed on YOUR behalf for YOUR MARK in
3 connection with "placement services," as used in YOUR APPLICATIONS.
4

5 **INTERROGATORY NO. 18:**

6 IDENTIFY ALL lawsuits and administrative proceedings CONCERNING
7 YOUR MARK, providing the name of each responsive legal or
8 administrative proceeding; the particular tribunal in which each
9 such proceeding occurred; the personal names, firm names, addresses,
10 phone numbers, and email addresses of any attorneys representing a
11 party in each such proceeding; including IDENTIFICATION of the year
12 each such proceeding commenced.
13

14 **INTERROGATORY NO. 19:**

15 Describe in detail ALL FACTS SUPPORTING, including YOUR basis
16 for, YOUR allegation in paragraph 15 of YOUR Petition for
17 Cancellation in this proceeding that "Petitioner will be injured by
18 the continued registration of the trademark ENTELLECT by
19 Respondent."
20

21 **INTERROGATORY NO. 20:**

22 IDENTIFY AND describe any searches, surveys, investigations,
23 analyses, research (including market research) OR studies by OR on
24 behalf of YOU relating to any trademark, service mark, trade name,
25 name, word, phrase, logo OR design that includes the term
26 "ENTELLECT", including IDENTIFICATION of ALL persons with knowledge
27 thereof AND IDENTIFICATION of ALL documents relating thereto.
28

1 **INTERROGATORY NO. 21:**

2 IDENTIFY ALL persons YOU intend to OR may call as witnesses in
3 support of YOUR position in the instant cancellation proceeding.
4

5 **INTERROGATORY NO. 22:**

6 IDENTIFY ALL persons who were consulted or participated in
7 preparation of the answers to the preceding Interrogatories.
8

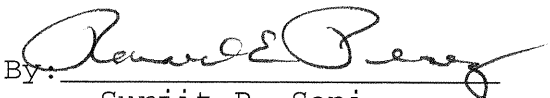
9 **INTERROGATORY NO. 23:**

10 If any of YOUR responses to Respondent's First Set of Requests
11 for Admission served with these interrogatories is not an
12 unqualified admission, then for each of such responses:

- 13 (a) state the number of the request;
14 (b) state ALL FACTS upon which you based YOUR response;
15 (C) state the names, addresses, and telephone numbers of ALL
16 persons who have knowledge of those facts; AND
17 (d) IDENTIFY ALL documents AND other tangible things that
18 support YOUR responses, including the name, address and
19 telephone number of the person who has each document OR
20 thing.
21
22

23 Dated: December 24, 2009

THE SONI LAW FIRM

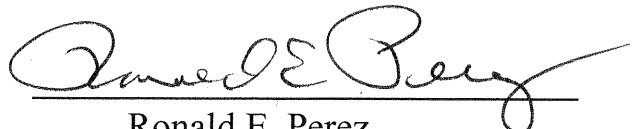
24
25 By: 

26 Surjit P. Soni
27 Ronald E. Perez
28 WooSoon Choe
Attorneys for Registrant
Milena Soni

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S FIRST SET OF INTERROGATORIES TO PETITIONER** was served upon the Petitioner via First-Class Mail on this 24th day of December 2009, as follows:

William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601-3239



Ronald E. Perez

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

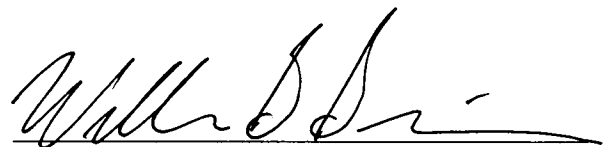
Cancellation No.: 92050920

**PETITIONER'S NOTICE OF SERVING ITS RESPONSE TO
FIRST SET OF INTERROGATORIES**

By and through undersigned counsel, Petitioner, Intellect Technical Solutions, Inc.,
hereby gives notice of serving its response to Respondent's First Set of Interrogatories, Nos. 1-
23.

Respectfully submitted,

Date: 1/28/2010



William G. Giltinan
Carlton Fields, P.A.
P.O. Box 3239
Tampa, FL 33601-3239
(813) 223-7000
Attorney for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Petitioner's Response to Respondent's First Set of Interrogatories on Respondent's counsel at the following address:

Surjit P. Soni
Ronald E. Perez
Woo Soon Choe
The Soni Law Firm
35 N. Lake Ave. #720
Pasadena, CA 91101

via First Class United States Mail, postage prepaid, and deposited with the United States Postal Service on January 28, 2010.

Dated: January 28, 2010



William G. Giltinan

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re: Registration No. 3,009,990
Trademark: ENTELLECT
Registered November 1, 2005

INTELLECT TECHNICAL SOLUTIONS, INC.

Petitioner,

v.

MILENA SONI,

Respondent.

Cancellation No.: 92050920

**RESPONSE BY PETITIONER
TO RESPONDENT'S FIRST SET OF INTERROGATORIES**

Petitioner Intellect Technical Solutions, Inc. ("Petitioner"), responds and objects as follows to Respondent's First Set of Interrogatories to Petitioner, served on December 24, 2009:

Preliminary Statement

Petitioner responds to these interrogatories, preserving:

- A. All objections and/or questions as to competency, relevancy, materiality, privilege and admissibility as evidence for any purpose with regard to the response or the subject matter thereof, in any proceeding of this action or any action;
- B. The right to object to the use of any said responses or the subject matter thereof, in any proceeding in this or any other action;
- C. The right to object on any ground at any time to a demand for further responses to these or any other Interrogatories; and

D. The right at any time to revise, correct, add to or clarify any of the responses submitted herein.

General Objection

1. Petitioner objects to Respondent's First Set of Interrogatories to the extent the Interrogatories seek information that is the subject of privileged communications between attorney and client or that is protected by F.R.Civ.P. 26(b)(3) or (4), or both. Even where an objection as to privilege is not specifically raised in a response, all Petitioner's responses to Respondent's First Set of Interrogatories are subject to withholding of such protected information and, by making these responses, Petitioner is not waiving or failing to assert any privilege available to it.

2. Petitioner objects to Respondent's Instructions to the extent that they seek to impose upon Petitioner any obligation greater than that imposed by Rule 26(e), F.R.Civ.P.

3. Any response herein is not an admission of relevance, materiality or admissibility of the information provided and Petitioner expressly reserves all objections regarding relevance, materiality and admissibility thereof.

4. Petitioner objects to each Interrogatory to the extent that it requires Petitioner to obtain and produce information generated by a person over whom Petitioner does not exercise control on the grounds that the Interrogatory exceeds the permissible scope of discovery.

5. Petitioner objects to each Interrogatory to the extent that it is vague, ambiguous, overly broad or otherwise lacks sufficient precision to permit a reasonable response.

6. Petitioner objects to each Interrogatory to the extent that it seeks information irrelevant to the issues in this case and is not reasonably calculated to lead to the discovery of admissible evidence.

7. Petitioner objects to each Interrogatory to the extent that it seeks information that is confidential, trade secret or otherwise proprietary in nature.

Responses and Objections

Subject to each of the general objections stated above, Petitioner specifically responds and objects to each of Respondent's Interrogatories as follows. The various pleadings and exhibits of record are incorporated by reference herein and are therefore not specifically listed as responses to each interrogatory. The paragraph numbers used below correspond to the paragraph numbers used in Respondent's First Set of Interrogatories to Petitioner.

INTERROGATORIES

INTERROGATORY NO. 1:

State the nature of the business conducted by YOU AND of ALL companies related to YOU, including a brief business history of YOU AND of ALL companies related to YOU.

Answer:

Intellect Technical Solutions, Inc. - provides services described in the present trademark applications and was started by T. Scott Ferrante and James Barge in December 1997 and incorporated in January 1998.

The ERP Group, Inc. - provides consulting in the field of information technology and was incorporated in February 2009

Crush Quota, Inc. - provides online information and news in the field of career and skills development for sales professionals and staffing and executive recruiting services set forth in the trademark application for Crush Quota.

Intellect Holdings, Inc. - a related holding company started in February 2009.

INTERROGATORY NO. 2:

Describe how YOU created, conceived, selected, cleared, adopted, acquired OR otherwise made the decision to use YOUR MARK, including IDENTIFICATION of ALL persons with knowledge thereof AND IDENTIFICATION of ALL documents related thereto.

Answer:

The founders brainstormed different ideas for names for a staffing and consulting company and selected "Intellect." No clearance searches were performed beyond looking at local telephone books.

INTERROGATORY NO. 3:

IDENTIFY AND describe any searches, surveys, investigations, analyses, research (including market research) OR studies by OR on behalf of YOU relating to any trademark, service mark, trade name, name, word, phrase, logo OR design that includes the term "INTELLECT", including IDENTIFICATION of ALL persons with knowledge thereof AND IDENTIFICATION of ALL documents relating thereto.

Answer:

Preliminary searches on TESS and on the Internet were done in 2008 prior to filing the applications. These searches are subject to attorney-client privilege.

INTERROGATORY NO. 4:

IDENTIFY any variation of YOUR MARK ever used by YOU AND any authorized user in the U.S. OR anywhere.

Answer:

Intellect Staffing;
Intellect Corp.;
Intellect Technical Solutions;
Intellect;
Intellect and Design, comprising an oval surrounding the words; and
Intellect Technical Solutions, Inc. and design of an oval.

INTERROGATORY NO. 5:

IDENTIFY each AND every person OR entity that YOU have licensed OR authorized to use YOUR MARK.

Answer:

None.

INTERROGATORY NO. 6:

IDENTIFY AND describe in detail ALL services listed in International Class 035 in conjunction with which YOUR MARK OR any variation thereof has been used, is currently being used, is contemplated to be used OR has been used by YOU OR authorized users of YOUR MARK, including IDENTIFICATION of ALL media (including Internet websites) in which YOUR MARK is OR has been used.

Answer:

See the description of services set forth in application Serial No. 77/363,060 for the mark INTELLECT and application Serial No. 77/366,168 for INTELLECT and Design filed by Petitioner. Petitioner has used various media, including print, Internet, personal presentations, signage, direct mail, telephone calls and distribution of promotional items.

INTERROGATORY NO. 7:

For each type of services identified AND described in INTERROGATORY NO. 6, IDENTIFY AND describe YOUR first use of YOUR MARK anywhere, YOUR first use of YOUR MARK in interstate commerce in the United States (including the respective DATES OF FIRST USE), including IDENTIFICATION of ALL DOCUMENTS SUPPORTING the use of YOUR MARK in commerce between YOUR alleged DATES OF FIRST USE and May 1, 2002.

Answer:

The first usages of the mark INTELLECT were made with direct mailings, signage and personal presentations on the dates indicated in the applications referenced in response to Interrogatory 6. For relevant documents, refer to Petitioner's Responses to the Respondent's Request for Production of Documents.

INTERROGATORY NO. 8:

IDENTIFY ALL persons who are reasonably believed to have knowledge of YOUR first use of YOUR MARK, including IDENTIFICATION of ALL documents relating thereto.

Answer:

James Barge – 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609

T. Scott Ferrante – 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609

Robert Quinn - 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609 – now deceased,

Laurie Ward - 5404 Cypress Center Dr., Suite 150, Tampa, Florida 33609

Darryl Baker -Catalina Marketing

For documents see Petitioner's Responses to Respondent's Request for Production of Documents.

INTERROGATORY NO. 9:

IDENTIFY each person with whom YOU have communicated regarding YOUR first use of YOUR MARK; including IDENTIFICATION of the date of each such communication, the person on YOUR behalf who initiated OR received such communication; including IDENTIFICATION of ALL documents evidencing each such communication.

Answer:

Petitioner objects to this Interrogatory as being vague and overbroad in requesting identification of every person with whom the Petitioner had communicated in connection with such first usages. Notwithstanding this objection, Petitioner directs Respondent's attention to Petitioner's Response to Interrogatory 8.

INTERROGATORY NO. 10:

Describe in detail the manner in which the services described in INTERROGATORY NO. 6 are promoted AND advertised in the United States, including, but not limited to, trade publications, newspapers, live presentations, catalogs AND electronic media.

Answer:

The services are promoted through live presentations; through Internet website, including client websites and third party websites, such as monster.com, dice.com, yahoo hotjobs.com, careerbuilder.com, orasearch.com, and craigslist.com.

They are further promoted, by hosting and sponsoring events, through direct mail, through cold calls and walk-ins, through newspaper advertisements, job fairs, through distribution of promotional materials and on letterhead and on business cards.

INTERROGATORY NO. 11:

State YOUR annual OR monthly (if annual OR monthly sales are not available, provide quarterly OR other periodic basis) expenditures, in U.S. dollars, for each of the ADVERTISING OUTLETS for advertising or promoting the services described in INTERROGATORY NO. 6, beginning with the earliest of the DATE(S) OF FIRST USE of YOUR MARK.

Answer:

See enclosed copies of Petitioner's Profit and Loss Statements for 1998-2009. Note that these documents are highly confidential and subject to the Confidentiality Agreement between the parties and having an effective date of January 5, 2010.

INTERROGATORY NO. 12:

IDENTIFY AND describe in detail YOUR MARKETING CHANNELS for the services described in INTERROGATORY NO. 6.

Answer:

Petitioner objects to this Interrogatory as being vague and ambiguous but, to the extent understood, directs Respondent's attention to the response to Interrogatory 10.

INTERROGATORY NO. 13:

For each type of the service described in INTERROGATORY NO. 6, IDENTIFY each geographic area by region OR state in which YOU have provided OR advertised such service in connection with YOUR MARK.

Answer:

The services have been promoted nationwide.

INTERROGATORY NO. 14:

IDENTIFY ALL persons who have purchased the services described in INTERROGATORY NO. 6, beginning with the earliest of the DATE(S) OF FIRST USE of YOUR MARK.

Answer:

See the attached listing of persons who have purchased the services described. Note that these documents are Trade Secret/Commercially Sensitive and subject to the Confidentiality Agreement between the parties and having an effective date of January 5, 2010.

INTERROGATORY NO. 15:

For each type of service described in INTERROGATORY NO. 6, state the gross revenues in U.S. dollars YOU received from providing such service on an annual basis from the year each such service was first offered under YOUR MARK to the present.

Answer:

See enclosed copies of Petitioner's Profit and Loss Statements for 1998-2009. Note that these documents are highly confidential and subject to the Confidentiality Agreement between the parties and having an effective date of January 5, 2010.

INTERROGATORY NO. 16:

For the services described in INTERROGATORY NO. 6, describe any period of time since inception of YOUR MARK when YOU discontinued use of YOUR MARK in connection with such services, including any FACTS SUPPORTING the circumstances AND reasons for each discontinuation, including IDENTIFICATION of the date and location of any resumption of use, including IDENTIFICATION of any FACTS SUPPORTING the circumstances AND reasons for each resumption of use.

Answer:

The use of the mark has never been discontinued from the time that it was started.

INTERROGATORY NO. 17:

IDENTIFY ALL service mark AND trademark (trade mark) applications, whether with the USPTO OR with any U.S. state OR foreign country trademark (trade mark) agency, that you have filed OR a third party has filed on YOUR behalf for YOUR MARK in connection with "placement services," as used in YOUR APPLICATIONS.

Answer:

INTELLECT - Florida Registration No. T08000000391

INTELLECT and Design -- Florida Registration No. T08000000392

INTELLECT -- U.S. Application No. 77/363,060

INTELLECT and Design -- U.S. Application No. 77/366,168

INTERROGATORY NO. 18:

IDENTIFY ALL lawsuits and administrative proceedings CONCERNING YOUR MARK, providing the name of each responsive legal or administrative proceeding; the particular tribunal in which each such proceeding occurred; the personal names, firm names, addresses, phone numbers, and email addresses of any attorneys representing a party in each such proceeding; including IDENTIFICATION of the year each such proceeding commenced.

Answer:

None, other than the present cancellation proceeding.

INTERROGATORY NO. 19:

Describe in detail ALL FACTS SUPPORTING, including YOUR basis for, YOUR allegation in paragraph 15 of YOUR Petition for Cancellation in this proceeding that "Petitioner will be injured by the continued registration of the trademark ENTELLECT by Respondent."

Answer:

The USPTO has refused Petitioner's application for registration based upon Respondent's subsisting registration; wherefore, Petitioner is being injured by such refusal to register.

INTERROGATORY NO. 20:

IDENTIFY AND describe any searches, surveys, investigations, analyses, research (including market research) OR studies by OR on behalf of YOU relating to any trademark, service mark, trade name, name, word, phrase, logo OR design that includes the term "ENTELLECT", including IDENTIFICATION of ALL persons with knowledge thereof AND IDENTIFICATION of ALL documents relating thereto.

Answer:

Petitioner objects to this Interrogatory on the basis that the information requested is attorney work product and subject to the work product privilege and the attorney-client privilege. Notwithstanding the foregoing objection, Petitioner states that Petitioner searched the Internet in response to the refusal by the USPTO to register its application based upon Respondent's subsisting registration, and in this search could find no entries regarding the mark ENTELLECT.

INTERROGATORY NO. 21:

IDENTIFY ALL persons YOU intend to OR may call as witnesses in support of YOUR position in the instant cancellation proceeding.

Answer:

Petitioner objects to this Interrogatory on the basis that discovery is ongoing. Notwithstanding the foregoing objection, see response to Interrogatory 8, and also persons identified in Respondent's Responses to Petitioner's Interrogatories.

INTERROGATORY NO. 22:

IDENTIFY ALL persons who were consulted or participated in preparation of the answers to the preceding Interrogatories.

Answer:

Petitioner's counsel; Petitioner's CEO, James Barge and Rhonda L. Dabney, Assistant to James Barge.

INTERROGATORY NO. 23:

If any of YOUR responses to Respondent's First Set of Requests for Admission served with these interrogatories is not an unqualified admission, then for each of such responses:

- (a) state the number of the request;
- (b) state ALL FACTS upon which you based YOUR response; (C) state the names, addresses, and telephone numbers of ALL persons who have knowledge of those facts; AND
- (d) IDENTIFY ALL documents AND other tangible things that support YOUR responses, including the name, address and telephone number of the person who has each document OR thing.

Answer:

Petitioner objects to this Interrogatory as being overbroad and compound. Notwithstanding the foregoing objection, Petitioner directs Respondent's attention to Petitioner's Responses to Respondent's Request for Production of Documents.

Intellect Technical Solutions, Inc.

By: James Barge
Title: CEO

STATE OF Florida

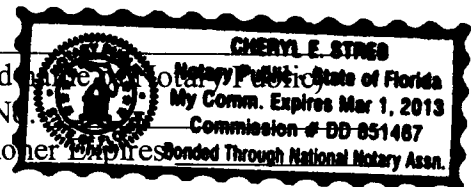
COUNTY OF Hillsborough

BEFORE ME, the undersigned authority, this 28 day of January, 20 10, personally appeared James Barge, who after being ~~first~~ duly sworn, states that he/she is the person who provided the answers to the Respondent's First Set of Interrogatories to Petitioners and that the answers provided therein are true and correct, and who is personally known to me or who has produced FL Driver's License as identification and who did (did not) take an oath.

(SEAL)

Cheryl E. Stueb
Notary Public (signature)

(Typed/Printed Name of Notary Public)
Commission No. _____
My Commission Expires _____
My Commission Expires Bonded Through National Notary Assn.



CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that a true and correct copy of the foregoing document entitled **RESPONDENT'S SECOND NOTICE OF RELIANCE AND SONI EXHIBIT NO. 8** were served upon the PETITIONER via email transmission and USPS First Class Mail on this 31st day of March 2011, as follows:

William Giltinan
Carlton Fields, P.A.
PO Box 3239
Tampa FL 33601-3239
tgiltinan@carltonfields.com

By: 
Lauren P. Coyle